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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/665,168

09/18/2003

Stanley F. Wyse

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07/27/2004

PATTI & BRILL

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EXAMINER

KWOK, HELEN C

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/665,168

Applicant(s)

WYSE, STANLEY F.

Examiner

Helen C. Kwok

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/18/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5, 7, 10-12, 14, 17 and 19-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, the phrase "the pendulous sensor component comprises a pressure sensitivity" is not clear on its meaning. What is considered a pressure sensitivity?

In claim 7, the phrase "the pendulous sensor component comprises a pressure sensitivity" is not clear on its meaning. What is considered a pressure sensitivity?

In claim 10, line 2, the phrase "the hinge component" lacks antecedent basis.

In claim 11, lines 1-2, the phrase "the one or more of the one or more pickoff sensors" lacks antecedent basis.

In claim 12, lines 2-3, the phrase "the one or more locations of the one or more of the one or more pickoff sensors" lacks antecedent basis. Furthermore, the phrase "the pendulous sensor component comprises a pressure sensitivity" is not clear on its meaning. What is considered a pressure sensitivity?

In claim 14, the phrase "pressure sensitivity" is not clear on its meaning. What is considered a pressure sensitivity?

In claim 17, the phrase "the pendulous sensor component comprises a pressure sensitivity" is not clear on its meaning. What is considered a pressure sensitivity?

In claim 19, the phrase "the pendulous sensor component comprises a pressure sensitivity" is not clear on its meaning. What is considered a pressure sensitivity?

In claim 20, it appears that the claim should be depended on claim 15 and not claim 13 since the claim is directed to a method claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-12 and 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by either U.S. Patent 5,488,865 (Peters) or U.S. Patent 5,932,803 (Wyse). [It should be noted that the former reference numerals corresponding to Peters and the later reference numerals corresponding to Wyse and are separated by a semicolon].

With regards to claims 1-12 and 14-19, the references, Peters and Wyse, disclose a pendulous sensor component 24;104 reacting to a parameter (i.e. rotation) is coupled to a frame 26;82 through hinge 30;86; one or more pickoff sensors 40;118,124 for sensing a value of the parameter from a substantially zero net dampening torque location of the pendulous sensor component. Furthermore, one or

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more dampener components  $C_R$ ; 148 controls the rotation of the pendulous sensor component by applying a dampening torque to the pendulous sensor component such that the pressure sensitivity of the pendulous sensor component is reduced due to the dampener components. (See, Figures 2 and 6, column 3, line 54 to column 4, line 31, column 6, lines 11-33 of Peters; Figures 3-7, column 5, line 62 to column 11, line 49).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over either U.S. Patent 5,488,865 (Peters) or U.S. Patent 5,932,803 (Wyse) in view of either U.S. Patent 5,821,420 (Cho et al.) or U.S. Patent 6,041,653 (Ichikawa et al.).

With regards to claims 13 and 20, the references do not disclose the pendulous sensor component comprises one or more grooves. The references, Cho et al., and Ichikawa et al., disclose an accelerometer comprising a pendulous sensor component having grooves for determining locations of the pickoff sensors (i.e. electrodes). (See, Figures). It would have been obvious to a person of ordinary skill in the art at the time of invention to have readily recognize the advantages and desirability of having one or more grooves on the pendulous sensor component since this is a well known design

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expedient in the art since having grooves on the pendulous sensor provides accurate determination of the pickoff sensors and to reduce damping effect of any residual gaseous/liquid medium on pendulous response so that a more enhanced, efficient and reliable sensor is constructed.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen C. Kwok whose telephone number is (571) 272-2197. The examiner can normally be reached on 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hck  
July 23, 2004

**HELEN KWOK**  
**PRIMARY EXAMINER**

